

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OSCAR STILLEY

PLAINTIFF

v.

CIVIL NO. 3:19cv6-HTW-LRA

WARDEN RIVERS, ET AL.

DEFENDANTS

DEFENDANT'S MOTION TO DISMISS

Defendant United States of America ("the government") moves this Court under Federal Rule of Civil Procedure 12(b)(1) to dismiss Plaintiff's FTCA claim against the United States of America for lack of subject-matter jurisdiction. In support of the motion, the government contemporaneously files a Memorandum Brief and the following supportive documents:

Attachment 1: Declaration of Joshua Robles (pertaining to the non-exhaustion of administrative claims).

Attachment 2: Exhibit A to Declaration of Joshua Robles (administrative tort-claim history).

To the extent necessary, this motion also relies on all pleadings and papers filed in this action and any argument and evidence allowed at any hearing on this motion.

CONCLUSION

For the reasons stated in the Memorandum Brief, this Court must dismiss Plaintiff's FTCA claim against the United States of America for lack of subject-matter jurisdiction.

Respectfully submitted,

D. MICHAEL HURST, JR.
*United States Attorney for the
Southern District of Mississippi*

/s/ Jennifer Case

JENNIFER CASE
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Dated: February 10, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the Electronic Case Filing system (ECF). I certify that a true copy of the foregoing has been mailed via United States Mail, postage prepaid, to the *pro se* plaintiff as follows:

Pro Se Plaintiff

Oscar Stilley
Fed. Reg. No. 10579-062
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P. O. Box 5000
Yazoo City, MS 39194

Dated: February 10, 2020

/s/ Jennifer Case
JENNIFER CASE
Assistant United States Attorney